

SENATE BILL 2338
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, relative to the disposition of proceeds of certain health care fraud enforcement activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) If the state of Tennessee receives any funds as penalties or fines or in settlement of any claim or potential claim of liability against any corporation or entity for any injury to the state or its citizens from activities related to health care fraud under state or federal law, such funds shall be deposited in the fund created in this section.

(b) There is created in the state general fund a special account to be known as the "Home and Community-Based Care Options Fund", hereinafter the "fund".

(c) No expenditure shall be made from the principal of the fund. Interest earned shall be available for expenditure from the fund as provided in this act. For the purposes of this section, "principal" means any funds deposited in accordance with the provisions of subsection (a) or any funds appropriated and so designated by the general assembly.

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(d) Moneys in the fund shall be invested by the state treasurer for the sole benefit of the fund pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Part 6.

(e) Amounts remaining in the fund at the end of each fiscal year shall not revert to the state general fund.

(f) Expenditures from the fund shall be made pursuant to appropriations by the general assembly and the provisions of this act.

(g) Expenditures from the fund shall be earmarked for the purpose of expanding resources for home and community-based care alternatives to nursing home care for the elderly.

(h) Reasonable administrative costs may be expended from any appropriation but shall not exceed five percent (5%) of any appropriation.

SECTION 6. The provisions of this act shall take effect on becoming a law, the public welfare requiring it.